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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/973,046

10/10/2001

Soon-ho Jung

Q65216

5067

7590

05/09/2006

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EXAMINER

TIEU, BINH KIEN

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 05/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/973,046

Applicant(s)

JUNG, SOON-HO

Examiner

BINH K. TIEU

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-7, 10 and 11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 5-7, 10 and 11 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Applicant's remarks, filed 03/30/2006, with respect to the rejection(s) of claim(s) 5-7 and 10-11 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of new cited reference, Forstadius (Pub. No.: US 2003/0002504 A1).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5-6 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forstadius (Pub. No.: US 2003/0002504 A1) in view of Chen (US Pat. #: 5,978,775 as ***cited in the previous Office Action***).

Regarding claims 5, 10 and 11, Forstadius teaches a bluetooth embedded terminal such as a short range RF and Object Exchange (OBEX) enabled client terminal (hereinafter called a "client") as shown in figure 1. The client comprises one of Input/Output components is preferably a Bluetooth Chip 106 (see paragraph [0033]). Forstadius further teach at least remote OBEX server(s) such as the server 399 shown in figure 3 or server 499 in figure 4. The remote

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server is conventional OBEX information server and comprises an embedded bluetooth function, including a bluetooth data transception processing portion for wirelessly transmitting data to the client and receiving data from the client (see paragraph [0065] and [0073]). Forstadius further teaches a method of transferring of information from the server to destinations upon receipts of requests from the clients (see paragraphs [0078]-[0087]).

It should be noticed that Forstadius fails to clearly teach the features of item selection programs for providing items selection menu to a user of the client through the client display and receiving an item selection by the user from the client at the remote server. However, Chen teaches such features in col.5, lines 13-32 and lines 48-53; col.7, lines 40-49 and col.8, lines 39-65 for a purpose of quickly retrieving and provisioning designed information data from a server to the requester.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the features of item selection programs for providing items selection menu to a user of the client through the client display and receiving an item selection by the user from the client at the remote server, as taught by Chen, into view of Forstadius, in order to quickly retrieve and provide the desired information from a list of available information items from the remote server to the user.

Regarding claim 6, Forstadius further teaches limitations of the claim in paragraphs [0083]-[0087].

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Forstadius (Pub. No.: US 2003/0002504 A1) in view of Chen (US Pat. #: 5,978,775) as applied to claim 5 above, and further in view of Boesjes (U.S. Pat. #: 6,799,165 *also cited in the previous Office Action*).

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Regarding claim 7, Forstadius and Chen, in combination, teaches all subject matters as claimed above, except for the data stored at the database is voice data. However, Boesjes teaches such features in col. 5, lines 40-51.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the data stored at the database is voice data, as taught by Boesjes, into view of Forstadius and Chen in order to provide dynamic retrieval music data service to wireless subscribers.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

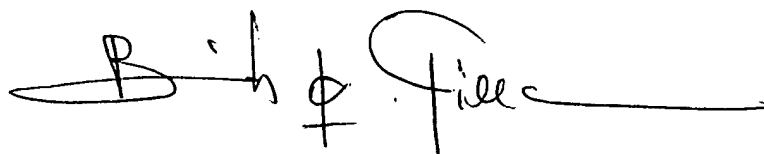
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

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A handwritten signature in black ink, appearing to read "Binh Tieu", with a long horizontal flourish extending to the right.

**BINH TIEU
PRIMARY EXAMINER**

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Date: May 08, 2006